GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3666
ANSWERED ON:08.08.2016
Forest Right Titles
Bhuria,Shri Kantilal;Giluwa Shri Laxman;Lekhi Smt. Meenakashi;Majhi Shri Balabhadra;Somaiya Dr. Kirit;Trivedi Shri Dinesh;Vasava Shri Mansukhbhai Dhanjibhai

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the benefit available under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been provided to the forest dwelling communities in the country and if so, the details thereof;

(b) the number of claims for distribution of titles/patta received under the Act and the number of titles/patta out of them distributed, rejected and pending indicating the total number of claims disposed off in percentage terms, State/UT-wise including Odisha;

(c) whether the Government has identified the factors impending the effective implementation of the said Act and if so, the details thereof along with the corrective steps taken/being taken by the Government in this regard;

(d) whether the provisions of the said Act have not been implemented in all the States across the country; and

(e) if so, the details and the implementation status thereof, State/UTwise along with steps taken/being taken by the Government for its better effective and expeditious implementation in all the States in the country?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH SUMANBHAI BHABHOR)

(a) Yes, Madam. As per the information received from various State Governments upto 31st May, 2016, a total of 17,46,338 titles have been distributed.

(b) Information is at Annexure-1.

(c) The responsibility for implementing the provisions of the Forest Rights Act lies with the State Governments. The Ministry has organized consultations with State Governments wherein efforts to create awareness; time bound disposal of claims and recognizing genuine claims and vesting rights therein was emphasized. The Ministry has been interacting with all the State Governments regularly urging them to take all necessary steps for expeditious implementation of the Act. The Ministry also issues directives, advisories and clarifications as and when required. Review meetings with the concerned officers of the State Government are being held at regular intervals.

(d) As already stated in the reply to part (c) above, the responsibility for implementing the provisions of the Forest Rights Act lies with the State Governments. In fact, different states are at different stages of implementation of the Act. As far as North-East States are concerned, Mizoram has notified its adoption in the entire State in 2010. Nagaland is in process of examining the law. Manipur, Meghalaya and Arunachal Pradesh feel that the FRA is not so relevant because of the prevalent customary community ownership of forest land. In Sikkim there are no forest dwelling STs and Other Forest Dwellers in the true sense of the term and most of STs of Sikkim hold revenue land in their own name and they are not solely dependent on the forests for their livelihood.
(e) Details of implementation status of Forest Rights Act, 2006 are at Annexure-1, as already mentioned in reply to part (b) above. The information regarding steps taken for effective implementations of FRA is at Annexure-2.

Annexure-1

Annexure referred to in reply to part (b) of Lok Sabha Unstarred Question No.3666 for 08.08.2016 regarding Forest Right Titles.

Details of implementation of Forest Right Act, 2006 as on 31.5.2016

S.No	States	No. of claims received	No. of titles distributed	No. of Claims Rejected	No. of Claims Pending	% of Titles distributed over number of claims received	% Claims disposed off with respect to claims received
1	Andhra Pradesh	411,012	169,370	165,466	76,176	41.21%	81.47%
2	Assam	131,911	36,267	37,669	57,975	27.49%	56.05%
3	Bihar	8,022	222	4,102	3,698	2.77%	53.90%
4	Chhattisgarh	860,364	347,789	507,907	0	40.42%	100.00%
5	Gujarat	190,097	77,038	3,556	106,569	40.53%	43.94%
6	Himachal Pradesh	5,692	346	2,162	3,184	6.08%	44.06%
7	Jharkhand	83,553	43,125	25,446	14,386	51.61%	82.78%
8	Karnataka	372,248	8,303	188,943	175,002	2.23%	52.99%
9	Kerala	37,535	24,599	7,889	5,047	65.54%	86.55%
10	Madhya Pradesh	610,591	223,680	374,507	3,135	36.63%	99.49%
11	Maharashtra	355,606	110,250	230,732	14,624	31.00%	95.89%
12	Odisha	624,699	380,479	156,233	65,161	60.91%	89.57%
13	Rajasthan	71,200	35,828	35,139	208	50.32%	99.71%
14	Tamil Nadu	21,781	3,723	0	18,058	17.09%	17.09%
15	Telangana	215,742	100,247	99,377	16,118	46.47%	92.53%
16	Tripura	191,653	122,583	65,900	3,170	63.96%	98.35%
17	Uttar Pradesh	93,644	18,555	74,945	144	19.81%	99.85%
18	Uttarakhand	182	0	1	181	0.00%	0.55%
19	West Bengal	142,081	43,934	96,395	1,752	30.92%	98.77%
Total		44,27,613	17,46,338	20,76,369	5,64,588	39.44%	87.25%

Annexure-2.

Annexure referred to in reply to part (e) of Lok Sabha Unstarred Question No.3666 for 08.08.2016 regarding Forest Right Titles.

After lapse of more than four years of implementation of the Act the Ministry had observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers had remained constrained and that several problems were impeding the implementation of the Act in letter and spirit. In order to overcome those lacunae and strengthen the existing FR Rules, 2008, the Ministry notified the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 in the Gazette of India on 6.9.2012.

The Ministry has issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act. The guidelines relate to the process of recognition of rights, minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, and awareness raising, monitoring and grievance redressal.

After issue of said amendments and said guidelines, a number of Regional Consultations/Workshops were organized Nation-wide on Implementation of FRA.

A training module was also published, which is useful for Government functionaries on FRA, for frontline staff in the implementation of the Act.

Further, a booklet of Frequently Asked Questions (FAQ) has also been brought out, which seeks to addresses some of the questions raised during the Regional Consultations related to the process of recognition of rights, evidence requirements, ownership over minor

forest produce, rights over community forest resource, protection against eviction, definition of OTFDs, convening of Gram Sabha at hamlet/habitation level, recognition of habitat rights of PTGs etc. A Booklet of FAQ is enclosed.

Translation of Act, Rules and clarifications into local language through TRIs.

Guidelines on conservation of forest villages into revenue villages issued on 8.11.2013.

A letter dated 3.3.2014 was issued to all the States where the States were asked to issue the Records of Rights under FRA along with the name of caste/tribe so that in future people do not have difficulty in obtaining caste certificate and Rights holders under FRA have to be issued Records of Rights under Revenue code/law so as to mainstream them and treat them at par with other land holders.

States where there were high rates of rejection of claims, Ministry of Tribal Affairs have written several letters expressing concern over non acceptance of evidence and State Government's insistence of particular type of evidence such as satellite imagery etc. States have now started reviewing the rejected claims and many of the wrongly rejected claims are being examined.
Directions to State Governments to expedite recognition of Community Rights have been issued.

Close Monitoring through Monthly Progress Reports, visits and Video Conferencing are done.

In order to take up FRA on a campaign mode, the Ministry of Tribal Affairs has taken following steps:

â€¢ Ministry of Tribal Affairs has written to the Chief Secretaries of the State Governments where the FRA implementation progress is low. Ministry has also drawn up a suggestive road map and shared it with the States so that they can draw up action plan in a time bound manner.

â€¢ Ministry has also written to the other States where implementation is going on well to address certain specific issues pending in those States.

â€¢ Joint review meetings with Ministry of Home Affairs and Ministry of Tribal Affairs were undertaken with Principal Secretaries/Secretaries of States of the 35 worst affected LWE district on FRA implementation. The issue of high rate of rejection was reviewed with them and the States were directed to review the wrongly rejected claims.

â€¢ A consultation was organized under the chairmanship of Secretary Tribal Affairs where the nine low performing states participated to take up FRA on a campaign mode and implement the Act in a time bound manner.

â€¢ A video conference was organized with other States where some steps have been taken on implementation to expedite the pending work.

â€¢ All the State have been advised to take support of geo referenced images and technology to support other evidences for claims and also for re-examination of reject claims.

â€¢ The Ministry is constantly monitoring the progress of implementation by the States and is persistently writing to the State Governments giving clarifications and suggestions for better implementation of the Act.

â€¢ National Resource Centre at TRI Campus, Odisha has been set up by the Ministry of Tribal Affairs to augment capacity of States for effective implementation of Forest Right Act. National Resource Centre has been entrusted with the job of preparing training materials, modules and conduct training programmes to train master trainers on FRA not only for Odisha but also for other States who are implementing FRA.

â€¢ Sufficient guidance has already been given to the States from time to time on various issues on FRA by holding as many Regional Consultations including two National Level Consultations.

As a result of the efforts, 44,27,613 claims have been filed and 17,46,338 titles have been distributed as on 31.05.2016. A total of 38,63,025 claims have been disposed of, which is 87.25% of the total claims received.

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